

# **EXHIBIT H**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x Case No. 07 CIV 9503

CYBER CHAMPION INTERNATIONAL,  
LTD.,

Plaintiff,

AFFIDAVIT

- against -

CARLOS FALCHI, ET AL.,

Defendants.

-----x  
STATE OF NEW YORK )

COUNTY OF NEW YORK )

s.s.:)

I, JOHN DICANIO, being duly sworn, depose and say, I am not a party in this action and am over the age of eighteen years.

I am a licensed process server with Serving by Irving, Inc. bearing license number 775208. Our firm was retained by the law firm of Lazarus & Lazarus, P.C. to serve a Summons in a Civil Action and Complaint with Exhibits upon the defendant Marcos Falchi in the within captioned matter.

I first assigned this case to licensed process server Juan D. Aguirre bearing license number 843839. On January 25, 2008 at 12:35 p.m., Mr. Aguirre attempted service at the first given address 25 Tudor City Place, Suite 210, New York, New York 10017. At this location is a residential doorman building. Marcos Falchi moved out of this address approximately 1 1/2 years ago as per the doorman.

On January 25, 2008 at 1:25 p.m., Juan D. Aguirre attempted service at the second given address at 15 West 36<sup>th</sup> Street, 11<sup>th</sup> Floor, New York, New York 10018. At this location is a commercial building. Mr. Aguirre spoke to some Asian tenants on the 11<sup>th</sup> floor. They advised him that Marcos Falchi used to be a co-tenant on the 11<sup>th</sup> floor but he moved to 260 West 39<sup>th</sup> Street, 7<sup>th</sup> Floor, New York, New York.

On January 25, 2008 at 3:10 p.m., Juan D. Aguirre arrived at 260 West 39<sup>th</sup> Street, 7<sup>th</sup> Floor, New York, New York. The office has "Carlos Falchi" on the door. Mr. Aguirre spoke to an Alex Falchi who identified himself as the son of Marcos Falchi. Alex Falchi said his father does work here but he is "out of the country". Juan D. Aguirre served the said papers upon Alex Falchi at 3:15 p.m. Service was effectuated in this manner and is deemed good service pursuant to New York CPLR § 308(2); "Personal Service upon a natural person shall be made by delivering the summons within the state to a person of suitable age and discretion at the actual place of business..." See his affidavit of service attached hereto.

I then assigned licensed process server Jerome E. Goldman bearing license number 1239192 to attempt service at 320 East 42<sup>nd</sup> Street, Suite 905, New York, New York, 10017.

On January 28, 2008 at 2:29 p.m., Jerome E. Goldman arrived at 320 East 42<sup>nd</sup> Street, Suite 905, New York, New York, 10017. This location is a residential building named Woodstock Tower. Mr. Goldman spoke to the concierge and that this is Marcos Falchi's residence. The concierge called upstairs to suite 905 and Marcos Falchi's young teenage son answered the phone but refused to give his name. He said

father is out of the country and will probably be back tonight. The concierge advised Mr. Goldman that Marcos Falchi's young teenage son is about 13 to 14 years old. He also said Marcos Falchi travels frequently and he is rarely at this address. In addition, the concierge said Marcos Falchi's son and wife lives here occasionally.


On January 29, 2008 at 8:02 a.m., Jerome E. Goldman returned to 320 East 42<sup>nd</sup> Street, Suite 905, New York, New York, 10017. The concierge called suite 905 and the same son who answered the phone on Mr. Goldman's first attempt answered the phone again. He said his father did not come home yet from his trip.

On January 29, 2008 at 12:22 p.m., Jerome E. Goldman returned to 320 East 42<sup>nd</sup> Street, Suite 905, New York, New York, 10017. The concierge called suite 905 and there was no response.

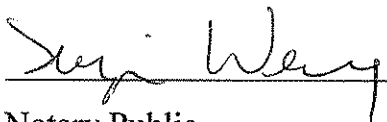
On January 29, 2008 at 7:17 p.m., Jerome E. Goldman returned to 320 East 42<sup>nd</sup> Street, Suite 905, New York, New York, 10017. Again, there was no answer when the concierge called suite 905.

On January 30, 2008 at 7:17 a.m., Jerome E. Goldman returned to 320 East 42<sup>nd</sup> Street, Suite 905, New York, New York, 10017. Again, there was no answer when the concierge called suite 905.

On January 30, 2008 at 1:20 p.m., Jerome E. Goldman returned to 320 East 42<sup>nd</sup> Street, Suite 905, New York, New York, 10017. Again, there was no answer when the concierge called suite 905. The concierge allowed Mr. Goldman to go upstairs. On this day at 1:25 p.m., Mr. Goldman served by posting the Summons in a Civil Action and Complaint with Exhibits on Mr. Falchi's apartment door and mailed a copy to his residence. See his affidavit of service attached hereto.

  
JOHN DICANIO  
License No. 775208

Sworn to before me this  
31<sup>st</sup> day of January, 2008

  
Notary Public

HE YI WENG  
Notary Public, State of New York  
No. 01WE6178606  
Qualified in Kings County  
Commission Expires Dec. 03, 2011